IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 777 OF 2005

KETTY SAVAK SUNTOKE & ANR. .. PETITIONERS

Vs.

DINESH VRAJLAL CHOTAI .. RESPONDENT

Mr. U. S. Jain for petitioners

Mr. A. G. Toraskar for R

CORAM:-SMT. RANJANA DESAI, J.

DATED:-21-3-2005

P.C.

The petitioners are senior citizens. Petitioner 1 is 78 years old and petitioner 2 is 65 years old.

2. In this petition it is prayed that Appeal Stamp No 1991 of 2004 which is filed by the respondent be directed to be disposed of within a stipulated time.

3. Admittedly R.A.E. Suit No. 802/1362/02 filed by the petitioners has been decreed on 7th April, 2004. The respondent has filed an appeal against the said decree in July, 2004. According to the respondent, the appeal is beyond time by 16 days. Therefore, condonation of delay application is also filed. The respondent has not taken up that application for hearing as yet. I am informed by the learned advocate for the respondent that the said application is posted for hearing today.

4. Considering the fact that the petitioners are senior citizens the Appellate Bench of the Small Causes Court before whom the said application is pending should dispose of the said application within a period of one month from today. In case the Appellate Bench condone the delay, in the circumstanes of the case the Appellate Bench shall dispose of the appeal within a period of six months from the date of receipt of this order by it.

Writ petition disposed of.

Parties to act on authenticated copy of this order.

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